

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ASHTON KRUKOWSKI,

Plaintiff,

v.

LVMPD, *et al.*,

Defendants.

Case No. 2:16-cv-01782-APG-PAL

**ORDER ACCEPTING REPORT AND
RECOMMENDATION AND
DISMISSING CASE WITHOUT
PREJUDICE**

(ECF Nos. 15, 16, 17, 18, 19)

On September 30, 2016, Magistrate Judge Leen entered a report and recommendation recommending that I dismiss this case without prejudice because the plaintiff has failed to comply with prior orders and has not paid the filing fee or submitted a properly supported application to proceed in forma pauperis. ECF No. 19.

I conducted a de novo review. 28 U.S.C. § 636(b)(1). Judge Leen sets forth the proper legal analysis and factual basis for the decision. Neither of the plaintiff's applications to proceed in forma pauperis provides any information about whether he is entitled to proceed in forma pauperis. ECF Nos. 15, 16. Consequently, both of those applications are denied.

The plaintiff's representation in his objections that this case is the same case as another case he filed in this court is incorrect. *See* ECF Nos. 20, 21. He filed two separate cases on two different dates. *Compare* ECF No. 1-1 with 2:16-cv-01701-APG-VCF, ECF No. 1.

Additionally, his request for a writ of certiorari (ECF No. 17) based on a writ of habeas corpus is not properly before this court in this case. The proposed complaint in this matter is a civil rights complaint, not a habeas corpus petition. *See* EF No. 1-1. Finally, his objections in ECF No. 18 were properly addressed by Judge Leen. The plaintiff does not have an appointed attorney in this civil rights action. He thus is appearing pro se in this case.

IT IS THEREFORE ORDERED that Judge Leen's report and recommendation (ECF No. 19) is accepted, the plaintiff's applications to proceed in forma pauperis (ECF Nos. 15, 16) are

1 **DENIED**, the plaintiff's motion for writ of certiorari (**ECF No. 17**) is **DENIED**, and the
2 plaintiff's objection (**ECF No. 18**) is **DENIED**.

3 IT IS FURTHER ORDERED that the complaint (ECF No. 1-1) is dismissed without
4 prejudice and the clerk of court shall close this case.

5 DATED this 3rd day of November, 2016.

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8 ANDREW P. GORDON
9 UNITED STATES DISTRICT JUDGE
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